



DIVORCE: HOW DO I END MY MARRIAGE?

What type of divorce do I need?

There are two types of divorces in Maryland.

- **Absolute divorce** legally ends your marriage. It settles all issues, including property. Once finalized, you and your ex-spouse may remarry.
- In a **limited divorce**, some important issues are settled, but it does not end your marriage. File for limited divorce if you and your spouse need the court to address issues such as child custody or finances before you are eligible for an absolute divorce.

Can I get a legal separation?

There is no such thing as a “legal separation” in Maryland. If you and your spouse live apart with the intention of ending your marriage, and if you do not have sexual intercourse during that time, that constitutes separation. Separation can be a legal reason (or ground) for divorce, depending on how long you and your spouse are separated.

What are legal reasons, or grounds, for divorce?

One spouse must prove that at least one “ground” exists before the court may grant a divorce.

- Grounds for limited divorce
 - Separation
 - Cruelty and excessively vicious conduct
 - Desertion
- Additional grounds for absolute divorce
 - Mutual consent
 - Adultery
 - Imprisonment for a crime
 - Insanity

Do I need a lawyer?

Divorce can be complex. You may have a lot at stake if child custody is an issue, or if property, retirement assets, or alimony needs to be resolved. Consider having a lawyer represent you if your case has complicated issues or if your spouse has a lawyer. If you plan to represent yourself, talk to a free lawyer at your local Family Law Self-Help Center (www.mdcourts.gov/familyselfhelp) or by calling the Maryland Courts Self-Help Center at 410-260-1392. These lawyers can’t represent you in court, but they can help you represent yourself.

Can I get a no-fault divorce?

You may get an absolute divorce on the grounds of mutual consent, which requires you and your spouse to complete a settlement agreement.

What forms do I need to file?

If you want to initiate or open a divorce case, use the Complaint for Absolute Divorce (CC-DR-020) or Complaint for Limited Divorce (CC-DR-021). If you want to respond to a divorce case that your spouse has opened, use the Answer (CC-DR-050) and a Counter-Complaint for Absolute Divorce (CC-DR-094) or a Counter-Complaint for Limited Divorce (CC-DR-111). You may also need to file a Civil Domestic Information Report (CC-DCM-001), financial forms, Joint Statement of the Parties Concerning Marital and Non-Marital Property (CC-DR-033), a settlement agreement, and fee waiver forms.

How do I file for divorce?

To open a case: File your divorce documents in the circuit court in the county where you or your spouse live. Make enough copies of your documents for your spouse and be sure to keep at least one copy for yourself. The spouse filing the initial Complaint must provide a copy to his or her spouse. This is known as service of process. You must also send to the court proof that your spouse received copies. Do not overlook this crucial step.

To respond to a case opened by your spouse:

- If you live in Maryland, you have 30 days to respond.
- You have 60 days if you live in another state.
- If you were served outside the U.S., you have 90 days.

Mail to your spouse copies of everything you file with the court. Let the court know that you mailed those copies by completing the Certificate of Service section at the end of the Answer or Counter-Complaint form.

